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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,349

04/15/2004

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8653

23455 7590 07/10/2008  
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EXAMINER

WYROZEBSKI LEE, KATARZYNA I

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

07/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,349	<b>Applicant(s)</b> ABHARI ET AL.	
	<b>Examiner</b> Katarzyna Wyrozebski	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) 63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 and 64-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-71 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

In view of applicant's response dated 4/4/2008 following office action is final as necessitated due to objection raised against newly added claims. Applicant's arguments have been considered but are not found as persuasive. Rejections of record are incorporated here by reference. New claims as added by the applicants are also rejected by the prior art of record.

### ***Claim Objections***

1. Claims 69-71 are objected to because of the following informalities: In the newly added claims the applicants indicate that the adhesive composition comprises at least 75%; 90% and 95 % respectively of functionalized blend. At the same time, the claim 1 does not teach functionalized blend but functionalized polymer. Claims 69-71 therefore do not narrow the scope of the independent claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 4, 21, 22, 26-28, 32, 33, 35-40, 42, and 44-60 are rejected under 35 U.S.C. 102(b) as being anticipated by BEREN (US 6,143,825).

The discussion of the disclosure of BEREN from paragraph 2 of the office action dated 1/4/08 is incorporated here by reference.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-62, 64-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over BEREN (US 6,143,825) in view of KARADINOS (US 2002/007033).

The discussion of the disclosures of BEREN and KARADINIOS from paragraph 6 of the office action dated 1/4/08 is incorporated here by reference.

6. Claims 1-62, 64-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over BEREN (US 6,143,825) in view of WANG (WO 03/033612).

The discussion of the disclosures of BEREN and WANG from paragraph 6 of the office action dated 1/4/08 is incorporated here by reference.

***Response to the applicant's arguments***

In their response dated 4/4/2007 the applicants argued following:

a) The prior art of BEREN does not teach the functionalized branched polymer as recited in the pending claims. BEREN's polyolefin is third component of the composition.

With respect to the above argument it really is no issue if grafted polymer of BEREN is listed as first or last component in the specification. The point is that the branched polymer is present. As applicants pointed out the branching index of the polymer of BEREN is less than 0.9, and examiner agrees. Bottom line branching index of less than 0.9 is within the scope of the instant claims. At the same time the molecular weight of the polymer is also viewed as one that will encompass instant invention, specifically since BEREN teaches well defined tradenames. One specific tradename has MW of 100,000 and therefore with reported branching index falls within bounds of applicant's claims.

In addition, even if the prior art of BEREN did not teach the branching index and in view of the fact that applicant's independent claims recite only upper bounds of the index, therefore branching index of 0 is also encompassed by the instant claims.

b) The applicants also argued that KARANDINOS and WANG do not teach functionalized blends.

The above argument is not viewed as commensurate with the scope of the claim since the applicants do not claim functionalized blend (see instant claim 1) but functionalized polyolefin. The applicants also have not argued the grounds of rejection as applied against present claims.

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 8:30 AM-2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Katarzyna Wyrozebski/  
Primary Examiner, Art Unit 1796  
July 7, 2008